In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 2186 of 2007

Date of Decision: 12.2.2007

Avtar Singh …Petitioner

Versus

The Presiding Officer, Labour Court, U.T. Chandigarh and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. P.K. Sachdev, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner has prayed for quashing award dated 9.4.2003, as published in the Gazette of Chandigarh Administration on 31.5.2003 (P-1). On the basis of various findings recorded by the Labour Court, U.T. Chandigarh, the petitioner-workman has been held entitled to reinstatement with continuity of service and full back wages from the date of the demand notice. The issue raised before us is that the back wages should have been awarded to the petitioner-workman from the date of termination i.e. 26.4.1994 and not from the date of demand notice, which was issued on 4.2.1995.

Having heard the learned counsel, we find that the argument raised by him is not acceptable because the discretion exercised by the Labour Court is not to be interfered by this Court

unless any violation of a statutory provision is shown. In that regard reliance may be placed on a judgment of Hon'ble the Supreme Court in the case of **Post Graduate Institute of Medical Research & Education v. Raj Kumar, (2001) 2 SCC 54**. Moreover, the silence of the petitioner for more than three years to challenge the award dated 9.4.2003 has also not been explained which makes the cause of action as time barred. Therefore, we do not find any legal infirmity in the view taken by the Labour Court. Dismissed.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

February 12, 2007

Pkapoor